

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDDIE A. JULIAN,

Plaintiff,

v.

Case No. 22-12525

GRETCHEN WHITMER, *et al.*,

Sean F. Cox
United States District Court Judge

Defendants.

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ORDER
ADOPTING REPORT AND RECOMMENDATION (ECF NO. 27)
AND DENYING PLAINTIFF'S RULE 60(b) MOTION

Acting *pro so*, Plaintiff Eddie A. Julian (“Julian”) an incarcerated person, brought this civil rights action pursuant to 42 U.S.C. § 1983, asserting claims against Defendants. Thereafter, this Court referred all pretrial matters to Magistrate Judge David R. Grand, pursuant to 28 U.S.C. § 636(b). (*See* ECF No. 12).

In a Report and Recommendation issued on October 30, 2023 (“the R&R”), Magistrate Judge Grand recommends that this Court deny Julian’s Motion for Rule 60(b) Relief from Judgment.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a magistrate judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. The district judge to whom the case is assigned reviews those objections, and any response to the objections from the opposing party. “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

On November 14, 2023, Julian filed Objections to the R&R. (ECF No. 30). The objections filed by Julian, however, are mostly illegible. Thus, they have been stamped “POOR QUALITY ORIGINAL” by the Clerk’s Office. (*Id.* at PageID.275).

Some of the purported “objections” are simply references to exhibits or just statements, not actual objections to the analysis or conclusions in the R&R. For example, Julian’s “Objection 7” is the following one sentence, with no further explanation: “Sean F. Cox was Assigned to Case No. 2:22-CV-12525-SFC-DRG.” (*Id.* at PageID.277). These references and statements do not constitute proper objections to the R&R.

The Court finds that those assertions that are legible, and do constitute actual objections, all lack merit. For example, Julian objects that he “has not consented to a magistrate judge” referral. No such consent is necessary for this Court to make a reference under 28 U.S.C. § 636(b).

Accordingly, the Court **OVERRULES** Julian’s Objections, **ADOPTS** the November 14, 2023 R&R, and **ORDERS** that Julian’s Rule 60(b) Motion is **DENIED**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 28, 2023